CASE of the Honourable James Murray, Esq; Petitioner, against William Grierson, Esq; the Sitting-Member, as Commissioner for the Shire of Dumfrize in Scotland.

AFTER the Dissolution of the last, and a Proclamation for this Present Parliament, the only Candidates for Commissioners of the Shire of *Dumfrize*, were the Petitioner and the Sitting-Member.

The Duke of *Queensberry*, who is Heritable Sheriff of that Shire, and has thereby a great Awe and Influence over the Freeholders, espous'd the Interest of Mr. *Grierson*: As Instances of this,

A Letter from his Grace, to Mr. *Grierson*, was by his Grace's Order handed about amongst the Freeholders, wherein he intimates his Desire that they should Vote for Mr. *Grierson*, and that he would look upon their Voting so, as a Mark of Esteem and Respect to himself and his Family.

Two of the same Duke's near Relations and Agents wrote Circular Letters to the Freeholders to the same Effect, which began in these Words, *By Order of the Duke of* Queensberry.

William Grahme a Freeholder, duly qualified, who came to *Dumfrize* to Vote for the Petitioner, was threatn'd by Mr. *John Sharp*, the *Shire-Clerk* (a Dependant on the Duke of *Queensberry*) that if he appear'd at the Election he should be Arrested for a Debt of 20 *l.* (which *Sharp* had bought in for that Purpose) but if he would absent himself, *Sharp* promised to abate him one half of the Debt, and a Fourth Part of another Debt which *Sharp* claimed of *Grahme*.

Mr. *Johnston*, another Freeholder, who had declar'd his Intention to Vote for the Petitioner, was Arrested the Day before the Election by the same *Sharp* the *Shire-Clerk*, and carry'd out of the County to a Prison Thirty Miles from the Place of Election. This Arrest was pretended to be for a Debt for which Mr. *Johnston* stood bound as Surety for one Mr. *Grahme*, but in Truth was made only to prevent his Voting for the Petitioner, because *Sharp* had then Lands of Mr. *Grahme*'s in Execution of far greater Value than the Debt, and Mr. *Johnston* was set at Liberty the next Day after the Election, without paying any Money, or giving any further Security.

Some of the *Kirk Clergy* insinuated amongst the Freeholders, that the Petitioner's Father, the *Viscount* of *Stormont*, and the Petitioner were *Malignants*, because his Father kept a Chaplain of the Church of *England* in his Family, *That the Glory of God*, and the *Interest of Jesus Christ were at Stake in this Election*, and the Freeholders ought to Vote only for such who were for the Glory of God and the Interest of *Jesus Christ*, which Mr. *Grierson* was, who had engaged to be for the Interest of their *Kirk*, but the Petitioner was for the Church of *England*, and an Enemy to their *Kirk*.

By these Artifices the Petitioner was depriv'd of Two certain Votes, and, as he has Reason to believe, of several others.

The Ninth Day of *November* last being appointed for the Election, the Freeholders met at the usual Place, and a President and Clerk were chosen.

Objections were made before the Votes were taken (as they ought to be) to several who demanded to Vote, to which Answers were made, but the Answers being not satisfactory, Protests were made to them, and a Poll was taken of all the Votes offered, and according to that Poll,

The Petitioner had 32 Votes, Mr. *Grierson* had 40 Votes.

The Petitioner had 21 Votes to which no Objection was made before the Election, and by the Law of *Scotland*, which is to govern this Election, none can be made now. Mr. *Grierson* had but 15 Votes which were not objected to.

The Petitioner Objected before the Election, and now objects to Ten of Mr. *Grierson*'s Votes for these Reasons.

I. They are not the Queen's Tenants duly qualified, their Rights not being pass'd by Surrender or Confirmation in the Court of *Exchequer* as they ought to be, nor their Seisins duly Register'd.

II. Their Freeholds were split out of an Estate of 20 *l. per Ann.* by one *William Alves*, Deputy-Sheriff to the Duke of *Queensberry* after the Test of the Writ, and but one, or few Days before the Election; and 'tis very improbable that Ten Men should all agree at one Time to buy Ten several Parts of one Estate, and just so much as would qualifie them to Vote, and no more, unless it were to serve a Turn.

The Petitioner Objected, and now objects to Seven more Votes for Mr. *Grierson*.

I. Because their Grants were made to them by Mr. *Grierson*'s Father to serve this his Son at the Election of the last Parliament, and all their Rights or Estates are redeemable upon payment of a Rose Noble, as appears by their Grants.

II. They never were in actual Possession, which they ought to be to intitle them to a Vote.

III. They are meer Trustees for Mr. *Grierson*'s Father, and such Trustees are disabled by the Law of *Scotland* to Vote.

The Petitioner objected, and now objects to Five more, because their Estates were not of sufficient Value; to one more for Corruption and Bribery; to another for not being in actual Possion; to another for Voting in the pretended Right of his Wife, who had not a sufficient Right by the Law of *Scotland* to Vote; all which will be more fully opened by the Petitioner's Council.

These Objections which the Petitioner is ready to prove, reduce Mr. *Grierson*'s Votes much below the Petioner's Number of 21 uncontroverted Votes.

Besides which, the Petitioner is intitled to the Two Votes which *Sharp* depriv'd him of, and is ready to justifie the rest of his 32 Votes.

Note, Whereas it has been industriously set forth in Mr. *Grierson*'s Case, That the Petitioner's Right is of the same Nature with Mr. *Grierson*'s Ten Split Votes. It is answered, That it will appear from the Minuts of Election, that the Petitioner produced a Charter under the Great Seal, and Seisin following thereupon, whereby he made it apparent that he held his Lands of the Crown, and that a great while ago; whereas Mr. *Grierson*'s Ten Votes had no Grants from the *Exchequer*, and were split out of one Freehold the Night preceeding the Election. And 'tis observable, that every Particular contain'd in this Case of Mr. *Grierson* is either misrepresented, or grosly mistaken.